



**The Hon. Shelley Hancock MP**  
Minister for Local Government

Your ref: T Isaksen  
Ref: A658090

Ms Helen Minnican  
Clerk of the Legislative Assembly  
Parliament House  
Macquarie Street  
SYDNEY NSW 2000



By email: [helen.minnican@parliament.nsw.gov.au](mailto:helen.minnican@parliament.nsw.gov.au)

Dear Ms Minnican

Thank you for your correspondence of 30 July 2019 regarding the submission of a petition objecting to Woollahra Municipal Council's plans to construct a skateboard facility on Crown land.

I acknowledge the petitioners' concerns and understand there is considerable objection in the local community about Council's proposal to construct a skateboard facility at Rushcutters Bay Park or Yarranabbe Park (Parks). I also note the petitioners are seeking to have these Parks heritage listed.

At the outset, I must advise that as Minister for Local Government, I do not have a direct role in the heritage listing of land or buildings in New South Wales or in the management of Crown Reserves. In those circumstances, I intend to limit my response to Council's obligations for managing public land under their care and control. Woollahra Municipal Council is the Crown Land Manager for the two parks and in that capacity is responsible for making decisions about their appropriate use and management, subject to compliance with their management obligations.

In response to the 2014 Crown Lands Review, the Government introduced the *Crown Land Management Act 2016* (CLM Act). This legislation provides a more consistent and streamlined approach to the management of public land by councils. The changes have brought Crown land into the care and control of councils under the land management regime contained in the *Local Government Act 1993* (LG Act).

The Office of Local Government (OLG) and Department of Planning, Industry & Environment (DPIE) – Crown Lands have produced a range of guidance and support material to assist councils to transition into this new land management regime for Crown land which make the following legislative requirements clear:

- All Crown reserves for which councils are the Crown Land Managers must be categorised, in accordance with the categories set out in section 36 of the LG Act. These categories will preserve and facilitate the use of all Crown reserves, for purposes that best align with the original Crown reserve dedications or reservations.
- To ensure Crown reserves are lawfully used and occupied, which is an essential part of councils' role as Crown land managers, councils must ensure that a compliant Plan of Management (POM) is in place by 30 June 2021, for all Crown reserves that they manage.

- The LG Act contains specific community consultation requirements which councils must follow when developing POMs. At a minimum, this includes a 28 day public exhibition period for draft POMs. However, the CLM Act also set out that, in some circumstances, a Council must hold a public hearing into a proposed POM on a Crown Reserve.

I understand that the former Minister for Lands adopted a POM for Yarranabbe Park in 2011 under the former *Crown Land Act 1989* (the 1989 Act). Despite the repeal of that legislation, this POM carries over under the transitional provisions of the CLM Act, until 30 June 2021 or until the Council adopts a new, compliant POM for the Reserve. Although Council adopted a POM for Rushcutters Bay Park that POM is not considered an adopted POM under the 1989 Act and therefore no carry over provisions would apply to this Reserve. I am also advised that the POM does not make provision for a skate park.

It would therefore appear that Woollahra Municipal Council cannot develop a skate park on either Reserve until such time that each Reserve has in place an adopted POM that authorises such a development. Council will be required to comply with the relevant community engagement processes in developing these POMs, to allow appropriate consultation with the local community on any proposed future use of the reserves.

Ultimately, it is a matter for councils to ensure that they comply with their legislative obligations in managing the public land under their care and control and Councils are the appropriate body to make decisions, in consultation with their community, about the use and development of public land. If any residents of Woollahra Municipal Council area believe that the Council has not met with these obligations they should raise them directly with the Council's General Manager, Mr Gary James at PO Box 61 Double Bay NSW 1360.

Thank you for bringing this matter to my attention.

Yours sincerely



**The Hon. Shelley Hancock MP**  
Minister for Local Government

CC: The Hon. Gabrielle Upton MP, Member for Vacluse

02 SEP 2019